

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JERRY AND PATRICE SNIDER)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 96-072
)	
TAYLOR COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

O R D E R

On January 26, 1996, Jerry and Patrice Snider submitted a formal complaint against Taylor County Rural Electric Cooperative Corporation ("Taylor County RECC") to the Commission regarding certain charges that were placed on their bill. The Commission is empowered by KRS 278.260 to investigate a complaint against a utility that action taken by it is unreasonable or unjustly discriminatory. Pursuant to Commission regulation 807 KAR 5:001, Section 12(4)(a), upon the filing of a formal complaint, the Commission is to examine whether a prima facie case has been established and whether it conforms to the regulation. If the complaint does not establish a prima facie case and does not conform to the regulation, the complainant is to be notified and may be given the opportunity to amend the complaint within a specified time. A prima facie case is one where sufficient evidence has been produced, if evidence to the contrary is disregarded, to support a favorable finding.

The complaint does not conform to 807 KAR 5:001, Section 12, nor does it provide enough information to establish a prima facie case as required. The complaint does not conform to 807 KAR 5:001, Section 12(1)(b), in that it fails to state the full name and address of the defendant. Furthermore, 807 KAR 5:001, Section 12(1)(c), requires the complaint to state "[f]ully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, . . . and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation." Without this additional information, the Commission cannot determine whether a prima facie case has been established.

As the Sniders have failed to file a complaint which conforms with 807 KAR 5:001, Section 12, and have failed to provide the Commission with enough information to determine whether a prima facie case has been established, the Commission will hold this complaint for 20 days to give them an opportunity to file additional information to support their claim against Taylor County RECC and to conform to 807 KAR 5:001, Section 12. If the complaint is not amended within 20 days, the complaint will be dismissed.

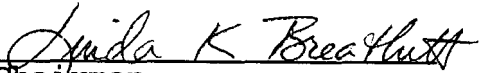
IT IS THEREFORE ORDERED that:

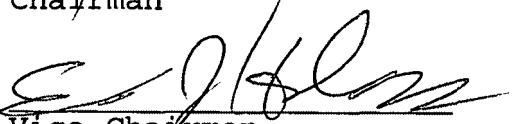
1. The Sniders are granted 20 days from the date of this Order to file an amended complaint which conforms to 807 KAR 5:001, Section 12, and to provide the Commission with additional information to support their claim against Taylor County RECC.

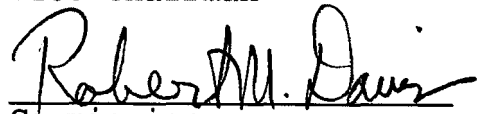
2. If an amended complaint is not filed within 20 days of the date of this Order, the complaint shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 5th day of March, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director